

**CITY COUNCIL AGENDA**  
**REGULAR MEETING**  
**WEDNESDAY, AUGUST 6, 1997**

<b>Morgan Hill Civic Center</b>	<b>Mayor</b>	<b>Dennis Kennedy</b>
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<b>Council Chambers</b> <b>17555 Peak Avenue</b> <b>Morgan Hill, California 95037</b>	<b>Mayor Pro Tempore</b> <b>Councilmember</b> <b>Councilmember</b> <b>Councilmember</b>	<b>Bev E. Freeman</b> <b>Hedy L. Chang</b> <b>Cynthia J. Cook</b> <b>J. Robert Foster</b>
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**5:00 P.M.**  
**City Council Goals Follow-up Workshop**

**7:00 P.M.**

**CALL TO ORDER**  
**( Mayor Kennedy)**

**ROLL CALL ATTENDANCE**  
**(City Clerk Torrez)**

**DECLARATION OF POSTING OF AGENDA**  
**Per Government Code 54954.2**  
**(City Clerk Torrez)**

**SILENT INVOCATION**

**PUBLIC SERVICE ANNOUNCEMENT**  
**Eric Hilding**

**PLEDGE OF ALLEGIANCE**

**INTRODUCTIONS AND PRESENTATION OF OATHS OF OFFICE**

Introductions by  
Debbie Simon  
Emergency Services Coordinator

Presentation of Oaths by  
City Clerk Torrez

South County Neighborhood Disaster Preparedness Program (SCNDPP)  
(Emergency Operations Center Volunteers)

**STAFF INTRODUCTIONS**

Brian Washko  
Chief Building Official

David Jelinek  
Water Quality Specialist

**CITY COUNCIL REPORT**

Council Member Chang  
*League of California Cities Elected Officials Leadership Academy*

**CITY MANAGER'S REPORT**

*Oral Update on Status of 40 W. Dunne*

**CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

**PUBLIC COMMENTS**

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.**

**LEGALLY NOTICED PUBLIC HEARINGS:**

**1. WEED ABATEMENT AND ASSESSMENT OF CHARGES**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to accept report.

Action - Motion to adopt resolution.

**2. ZONING AMENDMENT & ANNEXATION APPLICATION ZA 97-06/ANX 97-02: TAYLOR AVE.-  
MERLANO (APN 726-36-023, 024, 025, 035, 037, 038, 039 & 040)**

**Recommended Action:** Request staff presentation.

The Mayor will reconvene the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance;

Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

Action - Motion to adopt resolution.

**3. DA 97-02: E. EDMUNDSON-GUTHRIE**

**Recommended Action:** Request staff presentation.

The Mayor will reconvene the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance;

Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

4. **APPLICATIONS: ZONING AMENDMENT 97-07; DEVELOPMENT AGREEMENT 97-03: CENTRAL-WARMINGTON HOMES (APN 726-20-001 & 002 PORTION)**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to approve Negative Declaration.

Action- Motion to waive the reading in full of the Residential Planned Development (RPD) ordinance;  
Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

Action- Motion to waive the reading in full of the Development Agreement (DA) ordinance;  
Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

**OTHER BUSINESS:**

5. **DEVELOPMENT OF NORDSTROM PARK**

**Recommended Action:** Staff Recommends that City Council **Appropriate** \$75,000 from the Current Unappropriated Parks Development fund Balance to begin the Land Acquisition Process and Preliminary Engineering for an Expanded Site Totaling 4.43 Acres to be Used as a Combination Retention Basin/park or, alternatively, City Council Can Appropriate \$275,000 from the Current Unappropriated Parks Development Fund Balance for Development of the Existing Nordstrom Park on the Currently City-owned 1.83 Acre Site.

6. **INSTALLATION OF FOUR WAY STOP AT HILL/DUNNE INTERSECTION**

**Recommended Action:** **Appropriate** \$13,000 from Our Current Unappropriated Traffic Impact Fee Fund Balance for the Installation of Four Way Stops at the Hill/Dunne Intersection and for Design of Traffic Signals.

7. **FOLLOW-UP INFORMATION REGARDING THE ISSUE OF THE FINANCE DIRECTOR ALSO SERVING AS THE CITY TREASURER**

**Recommended Action:** 1) **Direct** Staff to Develop an Ordinance that Specifies the Duties of the City Treasurer, and 2) **Direct** Staff to Draft a City Council Policy that States that the Position of Finance Director and City Treasurer Cannot be Held at the Same Time.

8. **TRAFFIC SAFETY PROGRAM**

**Recommended Action:** 1) **Direct** the Police Department to Increase the Current Level of Service of the Traffic Safety Program by Placing Greater Emphasis on Enforcement of Speeding and Hazardous Traffic Violations, 2) **Authorize** the Addition of One Full Time Community Services Officer I to Replace an Existing Part Time Community Services Officer I in the Police Department, and 3) **Appropriate** \$23,754 from the Unallocated Contingency Fund to the Police Support Services Budget in FY 97/98 and FY 98/99.

9. **REQUEST TO RECONSIDER DISSOLUTION OF THE FINANCE AND AUDIT COMMITTEE AND WHETHER TO MAKE APPOINTMENTS TO SAME IF RECREATED**

**Recommended Action:** 1) **Determine** whether to Reconsider the Decision to Eliminate the Finance and Audit Committee, 2) **Determine** whether to Create Such an Ad-hoc Committee and Make Appointments to Same, and 3) If Votes in the Affirmative for Items 1 & 2 are Made, then Instruct the City manager to Come Back with a Proposed Mission Statement for the committee to be Reviewed and Approved by the Council at their Next Regularly Scheduled Meeting.

10. **DISCUSSION OF CITY PARTICIPATION I SISTER CITIES PROGRAM**

**Recommended Action:** 1) **Authorize** the City Manager to Apply for Membership in SCI, and 2) Develop a Work Program for a Sister-city Relationship.

**ROLL CALL VOTE:** The Roll Call Vote, Agenda Item #11 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

11. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1346, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill Amending the Standards and Criteria and Procedures of the Residential Development Control System as Set Forth in Chapter 18.78 of the Morgan Hill Municipal Code.

**CONSENT CALENDAR:** The Consent Calendar, Agenda Items #12 through #21 may be acted upon with one motion, a second and the vote.

12. **GRAND JURY REPORT ON DOMESTIC VIOLENCE**  
**Recommended Action:** 1) **Approve** the Written Response to the Grand Jury Report on Domestic Violence, and 2) **Direct** the City Clerk to Forward the Written Response to the Office of the Honorable Leslie C. Nichols, Presiding Judge of the Santa Clara County Superior Court.
13. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 8805**  
**Recommended Action:** 1) **Adopt** the Attached Resolution Accepting the Subdivision Improvements Included in Tract 8805, Commonly Known as West Edmundson-Park Manor, and 2) **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
14. **VACATION OF A PORTION OF SUNSET AVENUE**  
**Recommended Action:** 1) **Adopt** Attached Resolution thereby Vacating a Portion of Public Road Right-of-way across APN 767-49-004 & 011, Sunset Avenue, 2) **Authorize** the City Manager to File Quit Claim Deeds Releasing the City's Interest in the Portion of Sunset Avenue Right-of-way, and 3) **Direct** the City Clerk to File a Certified Copy of the Resolution in the Office of the Recorder of Santa Clara County.
15. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR PARCEL MAP 637-M-44 & 45 (TERESA LANE - URTON)**  
**Recommended Action:** 1) **Adopt** the Attached Resolution Accepting the Subdivision Improvements Included in Parcel Map 637-M-44 & 45, Commonly Known as Teresa Lane - Urton, and 2) **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
16. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 8787**  
**Recommended Action:** 1) **Adopt** the Attached Resolution Accepting the Subdivision Improvements Included in Tract 8787, Commonly Known as Hill Road-Sandalwood, and 2) **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
17. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 8596**  
**Recommended Action:** 1) **Adopt** the Attached Resolution Accepting the Subdivision Improvements Included in Tract 8596, Commonly Known as Barrett Avenue-Rose Haven, and 2) **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
18. **SOUND WALL CONSTRUCTION AT THE NORTHWEST CORNER OF LLAGAS ROAD AND HALE AVENUE**  
**Recommended Action:** That Council **Approve** the Attached Agreement Providing for the Extension of the Fence/Sound Wall and **Appropriate** \$10,000 from the FY 97-98 Council Contingency Fund to be Used to Reimburse Property Owners Who Wish to Construct the Extension of the Fence/Sound Wall.

19. **APPLICATIONS: SUBDIVISION 97-10: CENTRAL-WARMINGTON HOMES (APN 726-20-001 & 002 PORTION)**  
**Recommended Action: Take No Action**, thereby concurring with the Planning Commission's Decision regarding Approval of the Subdivision Map.
20. **APPROVAL OF REGULAR MEETING MINUTES OF JULY 2, 1997**
21. **APPROVAL OF REGULAR MEETING MINUTES OF JULY 16, 1997**

**FUTURE COUNCIL AGENDA ITEMS;**

- 1) Policy Regarding Implementation of Fee Deferral Ordinance
- 2) Mobile Home Rent Stabilization Fee
- 3) Transfer of Responsibility for Rent Stabilization from Council Services and Records
- 4) Report on Land Use on East Dunne & Impact on Traffic Circulation
- 5) Accept Contract for Lift Station B
- 6) Accept Church Street Improvements
- 7) August 26, 1997 -- Joint meeting with Morgan Hill Unified School District  
September 8, 1997 -- Joint meeting with Planning Commission

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

**ADJOURNMENT:**

The next Regular Meeting, Wednesday, August 20, 1997 has been canceled due to summer break.  
The City Council will adjourn to a Joint Meeting with the Morgan Hill Unified School District Board of directors on Monday, August 25, 1997 at 7:00 P.M. Said meeting to be held in the City Council Chambers, City Hall.

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

**NOTICE**

**AMERICANS WITH DISABILITY ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #1 through #4 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.